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 By: GONZALEZ, PATRICIA Lugo
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CAUSE NO. 2023-22748

GALLERIA 2425 OWNER, LLC.,	§	IN THE DISTRICT COURT OF	PC
	§		11A
<i>Plaintiff,</i>	§		ATFEX
	§		SANCX
v.	§		
	§		
NATIONAL BANK OF KUWAIT,	§	HARRIS COUNTY, TEXAS	
S.A.K.P., NEW YORK BRANCH, et al.	§		
	§		
<i>Defendants.</i>	§	281st JUDICIAL DISTRICT	

**FINAL JUDGMENT ON RODNEY DRINNON'S MOTION TO DISMISS
 PURSUANT TO THE TEXAS CITIZENS PARTICIPATION ACT (TCPA)**

On January 5, 2023 and on January 11, 2023, this case was called for hearings on Defendant Rodney Drinnon's ("Drinnon") Motion to Dismiss under the Texas Citizens Participation Act, Tex. Civ. Prac. & Rem. Code § 27.003 ("TCPA"), filed on November 16, 2023 in response to Plaintiff Galleria 2425 Owner, LLC's ("Galleria 2425") November 14, 2023 Amended Petition joining Drinnon as a named Defendant and asserting four causes of action against him: (a) tortious interference with contract, (b) tortious interference with business relations, (c) business disparagement, and (d) conspiracy.

All parties appeared through their attorneys of record and announced they were ready. The Court decided all fact questions.

The Court considered the pleadings and official records on file in this cause, the evidence, and the arguments of counsel and the Court is of the opinion that Drinnon's Motion to Dismiss under the TCPA has merit and judgement should be rendered for Drinnon. The Court further finds as follows:

Exhibit E-8

EXHIBIT AA-8

- a. Galleria 2425's causes of action against Drinnon for (a) tortious interference with contract, (b) tortious interference with business relations, (c) business disparagement, and (d) conspiracy are without merit;
- b. Galleria 2425 did not present specific and convincing evidence to support a prima facie case against Drinnon for any of these claims under the TCPA;
- c. Galleria 2425 brought this lawsuit against Drinnon for an improper purpose, which was to harass and increase the costs of litigation, and to cause opposing counsel to personally incur unnecessary expenses so as to dissuade its opposing counsel from representing parties adverse to Galleria 2425 in an attempt to prohibit the exercise of his right to petition; and
- d. Sanctions are justified in the present matter pursuant to Tex. Civ. Prac. & Rem. Code §§ 27.005(b) and 27.009(a).

The Court hereby RENDERS judgment for Rodney L. Drinnon. IT IS THEREFORE ORDERED that Galleria 2425's causes of action against Drinnon for (a) tortious interference with contract, (b) tortious interference with business relations, (c) business disparagement, and (d) conspiracy are dismissed WITH PREJUDICE.

It is accordingly ADJUDGED that Defendant Rodney L. Drinnon recover from Plaintiff Galleria 2425 Owner, LLC judgment for:

- a. reasonable attorney's fees and court costs incurred, Drinnon and McCathern Houston shall recover in the amount of ~~\$134,370.98~~ ^{\$63,725.00} pursuant to Section 27.009(a)(1) of the TCPA;
- b. sanctions in the amount of ~~\$500,000.00~~ ^{\$63,725.00} which the Court finds is sufficient to deter Galleria 2425 Owner, LLC, from bringing similar actions that violate the TCPA;

- c. additional attorney's fees in the amount of ~~\$60,000.00~~ ^{\$30,000.00} if Plaintiff files a Motion for New Trial and other post-judgment motions(or the equivalent), plus the amount of ~~\$75,000.00~~ ^{\$35,000.00} if an appeal of this cause is made to the court of appeals, plus the amount of ~~\$75,000.00~~ ^{\$35,000.00} in the event either party files a Petition for Review in the Supreme Court of Texas, plus the amount of ~~\$75,000.00~~ ^{\$50,000.00} in the event the Petition for Review is granted, and all posttrial attorney's fees awarded in this paragraph are contingent on Defendant prevailing; and
- d. interest at the rate of 8.5% percent per year on the total judgment from the date of judgment until paid pursuant to Tex. Fin. Code § ~~304.003~~.

~~It is also ORDERED that Galleria 2425 Owner, LLC shall pay the sums listed above to McCathern Houston within ten (10) days of the signing of this Order and that execution shall issue for all other amounts and relief awarded herein, consistent with Texas law. It is further ORDERED that all costs of court are taxed against Galleria 2425 Owner, LLC. It is further ORDERED that Drinnon shall have all writs of execution and other process necessary to enforce this judgment.~~

~~This judgment finally disposes of all parties and all claims and is appealable.~~ resolves the matter between Plaintiff and Defendant Rodney Drinnon.

Date: _____

Signed:
2/22/2024



JUDGE PRESIDING

APPROVED AS TO FORM AND SUBSTANCE:

MCCATHERN HOUSTON

By: /s/ Rodney L. Drinnon

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